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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,667	10/22/2001	Joshua Miles Chase	CIS01-05(3847)	5068
7590 Barry W. Chapin, Esq. CHAPIN & HUANG, L.L.C. Westborough Office Park 1700 West Park Drive Westborough, MA 01581			EXAMINER LESNIEWSKI, VICTOR D	
			ART UNIT 2152	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 03/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/029,667

Applicant(s)

CHASE ET AL.

Examiner

Victor Lesniewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 19-29 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 19-29 and 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 12/26/2006 has been placed of record in the file.
2. No claims have been amended.
3. Claims 1-11, 19-29, and 37-42 are now pending.
4. The applicant's arguments with respect to claims 1-11, 19-29, and 37-42 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Claim Rejections - 35 USC § 112

5. Claims 1-11, 19-29, 39, and 40 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement as presented in the previous rejection dated 10/2/2006.

Claim Rejections - 35 USC § 103

6. Claims 1-11, 19-29, 37, and 38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau (U.S. Patent Number 6,505,240) in view of Merriman et al. (U.S. Patent Number 5,948,061), hereinafter referred to as Merriman, as presented in the previous rejection dated 10/2/2006.
7. Claims 39-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau in view of Merriman further in view of Subramaniam et al. (U.S. Patent Number 6,081,900) as presented in the previous rejection dated 10/2/2006.

Response to Arguments

8. In the remarks, the applicant has argued:

- <Argument 1>

The limitation of “a detection of a change in root level domains between the initial request and former requests” as recited in claim 1 is enabled in light of the specification.

- <Argument 2>

The combination of Blumenau and Merriman does not disclose the features of claim 1 because it does not disclose “intercepting, from a requesting device, an initial request for initial content accessible from an initial content source” as recited in claim 1.

9. In response to argument 1, it is maintained that the limitation “wherein the secondary content condition comprises a detection of a change in root level domains between the initial request and former requests” was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There could not be found any discussion in the specification of how the system would be used to detect a change in root level domains. There could not be found any explanation in the specification of how the system would function based on a secondary content condition that comprises a detection of a change in root level domains between the initial request and former requests.

10. In the remarks submitted 12/26/2006 the applicant states that the limitation at hand is enabled based on the specification at page 20, lines 1-25. However, this section shows only that a communication device checks the IP addresses of requesting devices. As described in the specification, the communication device checks to make sure that an IP address is the same as an

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IP address in former requests, or at least that the request comes from the same LAN as former requests. Determining that IP addresses in requests are the same and creating redirection information based on this is completely different from detecting a change in root level domains.

11. The applicant states that “appending the addresses to the end of the redirection information with code redirection clearly describes an enabling embodiment”, however these remarks only confuse the issue. Clearly the appended addresses cannot be the functionality that allows for the detection of a change in root level domains because, as claimed, the redirection information is created in response to the detection. Nothing could be found in the specification to explain how a detection of a change in root level domains between the initial request and former requests occurs in the system.

12. In response to argument 2, the combination of Blumenau and Merriman does disclose the intercepting step as recited in claim 1. The previous line citation to Blumenau, column 4, lines 7-9, shows a primary content providing site receiving a request for content from a requesting device. This meets the limitation of intercepting an initial request for content as the network site (primary content providing site for example) receives the request and operates to generate handoff instructions that allow for all or part of the request to be handled by one or more other network sites. Here it is noted that the claim is not specific on where the initial content comes from, i.e. the functionality of the initial content source may or may not be incorporated with the device doing the intercepting. However, it is noted that even if the claims explicitly stated that the initial content source and the device doing the intercepting were distinct devices separated over the network, the combination would still meet the limitation as Blumenau provides several alternate embodiments for which various network sites in his system are enabled to provide

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content and generate handoff instructions. Blumenau's providing site could be the primary content providing site itself or it could be a proxy content providing site that receives handoff instructions from another network site. See Bluemanau, column 5, line 66 through column 6, line 47 and column 11, line 65 through column 12, line 2.

13. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

14. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER